

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHAD HOGAN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05cv687-WKW
)	[WO]
CITY OF MONTGOMERY, et al.,)	
)	
Defendants.)	

ORDER ON MOTION

Upon consideration of the Motion To Compel, filed by the defendants on 18 January 2006 (Doc. # 20), it is hereby

ORDERED that the motion be DENIED pursuant to the Federal Rules of Civil Procedure 26(c) and 37(a)(2)(B) and ¶5 of the General Order of this court entered on 22 November 1993.

The applicable provisions of this court's General Order reads as follows:

the court will not consider any motion relating to discovery, such as a motion to compel or a motion for protective order, unless the motion is accompanied by a written certification that the moving party has made a reasonable good-faith effort to reach agreement with opposing counsel on the matters set forth in the motion.

Federal Rules of Civil Procedure 26(c) and 37(a)(2)(B), as amended on December 1, 1993, require litigants to seek to resolve discovery disputes by a good faith *conference* before seeking court intervention. Discovery motions filed pursuant to these Rules *must be accompanied by a certification* that the movant has in good faith conferred or attempted to

confer with other affected parties in an effort to resolve the dispute without court action. This court has interpreted the requirement to confer as a requirement that the parties conduct an in-person conference to facilitate a good faith effort to settle the dispute. The court specifically notes that all counsel in this case maintain their principal offices in Montgomery; thus an in-person conference is fully available to them. The court fully expects the parties to resolve this dispute with full disclosure of the defendants' requests and the plaintiff's objections or reservations.

Notwithstanding the court's decision based upon the aforementioned standing order, the court reminds the plaintiff of - and refers the plaintiff to - Section I-I of this court's Guidelines to Civil Discovery Practice, entitled "Invocation of privilege or work product protection". Mere invocation of the privilege is not sufficient when an acceptable discovery motion is filed.

DONE this 19th day of January, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE